

FILED BY *LC* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 OCT 28 PM 4:11

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

JERRY HOLLIDAY,

Plaintiff,

vs.

THE KROGER COMPANY,

Defendant.

Civil Action No. 05-2492 DV

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on November 3, 2005. Present were Samuel Morris, counsel for Plaintiff, and David Jaqua, counsel for Defendants. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1): January 2, 2006

JOINING PARTIES: January 2, 2006

AMENDING PLEADINGS: January 2, 2006

INITIAL MOTIONS TO DISMISS: February 1, 2006

COMPLETING ALL DISCOVERY: May 1, 2006

(a) **Document Production: May 1, 2006**

(b) **Depositions, interrogatories, requests for admissions: May 1, 2006**

(c) **Expert witness disclosure (Rule 26):**

(1) **Disclosure of Plaintiff's Rule 26 expert information: March 1, 2006**

(2) **Disclosure of Defendant's Rule 26 expert information: April 1, 2006**

(3) **Expert witness depositions: May 1, 2006**

FILING DISPOSITIVE MOTIONS: June 1, 2006

document entered on the docket sheet in compliance
with FRCP on 10/28/05

4

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cut-off date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cut-off date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last three (3) days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation at a time mutually convenient to the parties but in no event more than 30 days after the close of discovery.

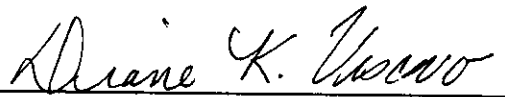
The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

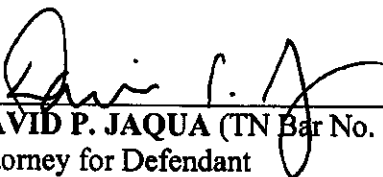
This Order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

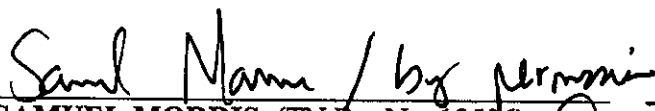
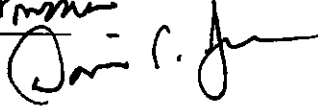
IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DIANE K. VESCOVO

Date: October 28, 2005

APPROVED:


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Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02494 was distributed by fax, mail, or direct printing on October 31, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT